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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/036,448	01/07/2002	Valerie Girardon	Q67747	4919

7590

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EXAMINER

LIN, TINA M

ART UNIT

PAPER NUMBER

2874

DATE MAILED: 07/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/036,448

Applicant(s)

GIRARDON ET AL.

Examiner

Tina M Lin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over International Publication Number WO 00/70379 to Chen et al. and further in view of U.S. Patent 6,204,304 B1 to Houlihan et al. and U.S. Patent 6,321,008 B1 to Riant et al. Chen et al. discloses a filter (10) primarily made up of silica with a fiber grating (12), where the grating area is covered with a layer (20) with an index of refraction greater than the cladding layer (18). But Chen et al. fails to specifically disclose the type of grating to be a slanted Bragg Fiber grating and that the layer and the cladding are attached by covalent bonds, the layer to be a monomeric and/or oligomeric material or that the layer is made of a material that contains organic groups. However, Houlihan et al. discloses fiber-coating materials for optical fiber gratings, which include monomeric and/or oligomeric material, as well as organic materials consisting of mainly C or H atoms that are covalently bonded. Furthermore Riant et al. discloses an optical waveguide filter with an angled Bragg grating. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have used a slanted Bragg grating. It would have also been obvious at the time the invention was made to a person having ordinary skill in the art to have used a layer made of a monomeric and/or oligomeric

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material or that the layer is made of a material that contains organic groups which are covalently bonded.

Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over International Publication Number WO 00/70379 to Chen et al. in view of U.S. Patent 6,204,304 B1 to Houlihan et al. and U.S. Patent 6,321,008 B1 to Riant et al. and in further view of U.S. Patent 5,991,493 to Dawes et al. Chen et al., Houlihan et al. and Riant et al. discloses all discussed above, but fail to disclose the layer to be of a hydrolysable material. However, Dawes et al. discloses an optical bonding material. More specifically, Dawes et al. discloses a hydrolyzed bonding composition to better connect optical components. Dawes et al. also discloses that an organic component can be incorporated in the hydrolysis material to aid in the bonding process or to add Ti to the bonding composition. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to have used a hydrolysable material or an organic material or of Ti for the layer.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over International Publication Number WO 00/70379 to Chen et al. in view of U.S. Patent 6,204,304 B1 to Houlihan et al. and U.S. Patent 6,321,008 B1 to Riant et al. and in further view of U.S. Patent 6,427,041 B1 to Strasser et al. Chen et al., Houlihan et al. and Riant et al. discloses all discussed above, but fail to disclose a core having a lower photosensitivity with respect to the outer region. However, Strasser et al. discloses a titled Bragg grating fiber where the core is doped with a non-photosensitive dopant and the cladding is doped with a photosensitive dopant. Due to the doping materials, the cladding would have a higher photosensitivity than the core. Therefore, it would

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have been obvious at the time the invention was made to a person having ordinary skill in the art to have a core with a lower photosensitivity than the outer region.

The documents submitted by applicant in the Information Disclosure Statement have been considered and made of record. Note attached copy of form PTO-1449.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reference D discusses covalent bonding and materials for waveguide layers. References E-I discuss slanted Bragg gratings and the different types of waveguides they are incorporated in.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tina M Lin whose telephone number is (703) 305-1959. The examiner can normally be reached on Monday-Friday 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rodney Bovernick can be reached on (703) 308-4819. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

TML 

June 18, 2003


AKM ENAYET ULLAH
PRIMARY EXAMINER